IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16520 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

A MANIAN ANAND

Versus

NATIONAL HIGHWAY AUTHORITY OF INDIA

Appearance:

1. Special Civil Application No. 16520 of 2003

MR DHAVAL D VYAS for Petitioner No. 1-2

MR CZ SANKHLA for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

Mr. HD Dave, AGP for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 13/04/2005

ORAL JUDGEMENT

Today, when the matter is heard, initially Shri DD Vyas, learned Senior Advocate appearing on behalf of the petitioner has submitted that the petitioner is not pressing for the relief to quash and set aside the

Notification dated 16.7.2003 as well as to quash and set aside the decision of the competent authority and Deputy Collector, Valsad, dated 29th September 2003 by which the competent authority has rejected the objections submitted by the petitioner with regard to acquisition. However, Shri Vyas has submitted that the petitioner would be desirous of making an appropriate application for the purpose of getting permission from the competent authority of Government of India for having access to the hotel from National Highway as per the Ministry of Surface Transport and Highways (MoST) now Ministry of Road Transport and Highways (MoRTH) Circular RW/NH-33023/19/99-DO.III dated 31st August 2000. Shri Vyas, learned Senior Advocate for the petitioner submits that the petitioner would be making an application for such permission within the period of two weeks from today. As and when such an application is made, it is hoped that the competent authority shall decide the same in accordance with law and on merits as early as possible. However, it is made clear that this Court has not expressed anything on merits with regard to grant of permission as it is ultimately for the competent authority to take appropriate decision in accordance with law and on merits.

2 So far as the grievance voiced by the petitioner with regard to non-payment of compensation in respect of acquisition in question is concerned, Shri Khare, learned advocate appearing on behalf of National Highways Authority of India has submitted that they have received a communication from the office of the competent authority and Deputy Collector, Valsad, dated 18th March 2005 in which it is stated that as regards the acquisition in question compensation has already been declared amounting to Rs. 6,85,440 vide its Office Order dated 18.10.2004 and an intimation thereof has been given to the petitioner's wife on 20th October 2004 and 25.10.2004 by U.P.C. to receive compensation, but till date she has not come to the office to receive the same. Be that as it may, as the petitioner now is informed with regard to such order it will be open for the petitioner to approach the office of the competent authority and Deputy Collector, Valsad for the purpose of accepting the said compensation.

3. Under the circumstances, nothing further is required to be done with regard to the grievance of compensation against present acquisition. With these observations and direction, the present Special Civil Application is disposed of. Rule is discharged. Direct service is permitted.

{ M.R. Shah, J. }

rmr.